

**Patent**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 10/519,231  
 Applicant : Lynn McMullen et al.  
 Int. Filing Date : 12/27/2003  
 Int. App. No. : PCT/CA03/00986  
 Title : Controlled Spoilage Food Compositions  
 Docket No. : C66010.1US  
 Customer No. : 24286

**RENEWED REQUEST UNDER 37 CFR 1.497(d)**

Mail Stop PCT  
 Commissioner For Patents  
 Office of PCT Legal Administration  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

RECEIVED  
 22 AUG 2006  
 Legal Staff  
 International Division

Sir:

In response to the Decision on Request Under 37 CFR 1.497(d) dated June 8, 2006, we respectfully submit the Statement under 37 CFR 3.73(b) and the Consent of the Assignee, CanBiocin, Inc to add David C. Smith as an inventor of the above-identified patent application.

The U.S. Patent and Trademark Office mailed the Notification of Defective Response on February 14, 2006 indicating that the oath or declaration did not comply with 37 CFR 1.497 (a) and (b). We submitted a request to correct the inventorship on March 14, 2006 under 37 CFR 1.497(d). The response requested the application be amended to add the inventor, David C. Smith, along with processing fee set forth in § 1.17(i) in the amount of \$130.00. We unintentionally overlooked the submission of the written Consent of the Assignee, CanBiocin, Inc.

Also enclosed, as required by the Statement Under 37 CFR 3.73(b) is a true copy of the original assignment from the inventors of the above-identified patent application.

We believe the following will complete the requirement for acceptance under 35 U.S.C. 371 and respectfully request a confirmation Official Filing Receipt.

Respectfully submitted,

A handwritten signature in cursive script, reading "William J. Bundren".

William J. Bundren  
PTO Reg. No. 31,712

July 31, 2006

734 Larue Road  
Millersville, Maryland 21108-2155  
Telephone: 410-923-2660  
Facsimile: 410-923-2478

## CONSENT OF ASSIGNEE

CANBIOCIN, INC. having and address at Suite 1015, 8308-114 Street, Edmonton, Alberta T6G 2E1 CANADA hereby state that David C. Smith is an original and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONTROLLED SPOILAGE FOOD COMPOSITIONS, the specification of which was filed on 27 December 2004 as US Application Serial No. 10/519,231.

We hereby state that inventive entity was set forth in error in the executed § 1.63 declaration in the above-identified application, and such error arose without any deceptive intention.

We hereby consent to the addition of David C. Smith as an inventor in the above-identified patent application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The person signing this form is authorized to act on behalf of the assignee.



Michael E. Stiles  
President

Date 13 July 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Lynn McMullen et al.Application No./Patent No./Control No.: 10/519,231 Filed/Issue Date: 27 December 2004Entitled: CONTROLLED SPOILAGE FOOD COMPOSITIONSCanBiocin, Inc.

(Name of Assignee)

, a Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Michael E. Stiles  
\_\_\_\_\_  
Signature

Michael E. Stiles

Printed or Typed Name

President

Title

13 July 2006  
\_\_\_\_\_  
Date

(780) 436-5228  
\_\_\_\_\_  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT OF PATENT APPLICATION

FOR GOOD AND VALUABLE CONSIDERATION,

We, the undersigned hereby agree to assign for good and valuable consideration, receipt of which is hereby expressly acknowledged, and do hereby sell, assign and transfer unto

CanBiocin, Inc.

a corporation organized under the laws of the province of Alberta, CANADA as Assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to

### CONTROLLED SPOILAGE FOOD COMPOSITIONS

described in application for Letters Patent of the United States, identified as Attorney Docket No. C66010.1, at The Law Offices of William J. Bundren, 734 LaRue Road, Millersville, MD 21108 and filed on 27 December 2004 Application Serial No. 11/519,231, and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefor in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. We request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

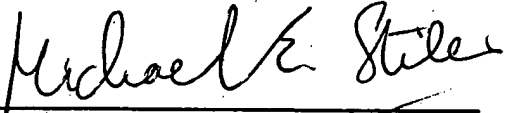
We agree that, when requested, We will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

We authorize and empower the said Assignee, its successors, assigns, and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file of like document which may be required in any country for any purpose and more particularly in proof of the right of the

said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention which may henceforth be substituted for it.

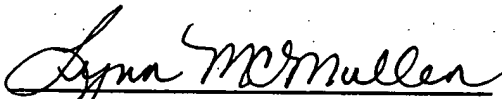
We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.



Michael E. Stiles

7 July 2005

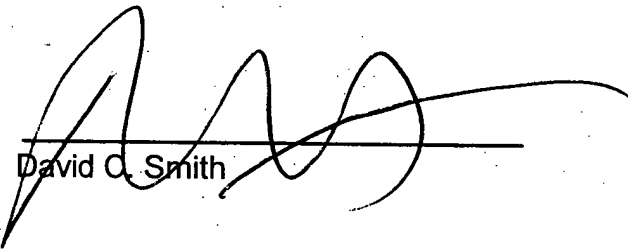
Date



Lynn McMullen

24 Nov 2005

Date



David C. Smith

22 NOV 2005

Date